

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

MICHAEL ANTHONY FEOLA,

Petitioner,

v.

JEFFEREY PERKINS,

Respondent.

CASE NO. 3:24-cv-05078-JHC-GJL

ORDER FOR SERVICE AND
RESPONSE TO MOTION TO
STAY, § 2254 PETITION

This is a federal habeas action filed under 28 U.S.C. § 2254. Petitioner is currently incarcerated at the **Coyote Ridge Corrections Center** and is subject to the Court's Prisoner E-Filing Initiative pursuant to General Order 06-16. The Court, having reviewed Petitioner's federal habeas petition, hereby finds and **ORDERS** as follows:

(1) Service

The Clerk shall arrange for service, by e-mail upon Respondent and upon the Attorney General of the State of Washington, of copies of the Petition (Dkt. 4-1), the Affidavit in Support of the Petition (Dkt. 4-3), the Motion to Stay and Abey (Dkt. 4-2), and this Order. The Clerk shall also direct a copy of this Order and of the Court's *pro se* instruction sheet to Petitioner.

1 (2) Response and Answer

2 At this time, Respondent is directed to respond only to Petitioner's Motion to Stay and
3 Abey. The Clerk is directed to note the Motion for **March 15, 2024**; Respondent shall file his
4 response on or before **March 11, 2024**, and Petitioner may file a reply on or before **March 15,**
5 **2024.**

6 Within *forty-five (45) days* after the Court has issued an order on the Motion to Stay (or,
7 if a stay is granted, from the time the stay is lifted), Respondent shall file and serve an answer in
8 accordance with Rule 5 of the Rules Governing Section 2254 Cases in United States District
9 Courts. As part of such answer, Respondent shall state whether Petitioner has exhausted
10 available state remedies and whether an evidentiary hearing is necessary. Respondent shall not
11 file a dispositive motion in place of an answer without first showing cause as to why an answer is
12 inadequate. Respondent shall file the answer with the Clerk of the Court and serve a copy of the
13 answer on Petitioner.

14 The answer will be treated in accordance with LCR 7. Accordingly, on the face of the
15 answer, Respondent shall note it for consideration on the fourth Friday after filing. Petitioner
16 may file and serve a response not later than the Monday immediately preceding the Friday
17 designated for consideration of the matter, and Respondent may file and serve a reply not later
18 than the Friday designated for consideration of the matter.

19 (3) Filing by Parties, Generally

20 All attorneys admitted to practice before this Court are required to file documents
21 electronically via the Court's CM/ECF system. Petitioner shall file all documents electronically.
22 All filings must indicate in the upper right-hand corner the name of the United States Magistrate
23 Judge to whom the document is directed.

1 Any document filed with the Court must be accompanied by proof that it has been served
2 upon all parties that have entered a notice of appearance in the underlying matter. Petitioner shall
3 indicate the date the document is submitted for e-filing as the date of service.

4 (4) Motions

5 Any request for court action shall be set forth in a motion, properly filed and served.
6 Pursuant to LCR 7(b), any argument being offered in support of a motion shall be submitted as a
7 part of the motion itself and not in a separate document. The motion shall include in its caption
8 (immediately below the title of the motion) a designation of the date the motion is to be noted for
9 consideration on the Court's motion calendar.

10 (5) Direct Communications with District Judge or Magistrate Judge

11 No direct communication is to take place with the District Judge or Magistrate Judge with
12 regard to this case. All relevant information and papers are to be directed to the Clerk.

13 Dated this 27th day of February, 2024.

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16 Grady J. Leupold
17 United States Magistrate Judge
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